

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JASON SAUNDERS,

Plaintiff,

v.

ALPHONSO A. SWABY, et al.,

Defendants.

CASE NO. CV 10-4269- GAF (JEM)

ORDER TO SHOW CAUSE RE:
SERVICE OF SUMMONS AND
COMPLAINT

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 120 days after the complaint is filed. See Fed.R.Civ.P.4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if a timely service waiver has been executed or defendant is the United States). Fed.R.Civ.P. 12(a). In this case, plaintiff filed his second amended complaint on July 1, 2011. On August 11, 2011, the Court ordered the United States Marshal to serve the summons and complaint. On November 1, 2011, the Court granted plaintiff's request for the issuance of subpoenas in order to allow plaintiff to discover the location of the unserved defendants.

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1 Although more than 120 days have elapsed since the filing of the second
2 amended complaint and the ordering of service, no proof of service of the summons and
3 complaint has been filed as to any defendant, and no defendant has filed a responsive
4 pleading.

5 IT IS HEREBY ORDERED that Plaintiff show cause in writing within **fourteen**
6 **(14) days** of the date of this Order why this case should not be dismissed for failure to
7 prosecute, Fed. R. Civ. P. 4(m) and 41(b), or within that same time period file proof
8 that service has been effectuated. The Order to Show Cause will be deemed submitted
9 upon the filing of plaintiff's response or the expiration of his response deadline.
10 Plaintiff is advised that failure to file a proof of service or other response to this Order
11 to Show Cause will result in the Court recommending that this case be dismissed for
12 failure to prosecute pursuant to Federal Rules of Civil Procedure, Rules 4(l) and (m).

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14 DATED: December 19, 2011

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18 JOHN E. MCDERMOTT
19 UNITED STATES MAGISTRATE JUDGE
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